

### **REMARKS**

Claims 1-2, 4-8, 10-21, 23-36 and 38-40 are pending in the application. All pending claims stand rejected. Claims 1, 7, 13, 20, 30 and 34 have been amended. In view of the following, all previously unallowed claims are in condition for allowance.

### **Rejection of Claims 13 and 16-17 Under 35 U.S.C. 102(b) As Being Anticipated By Williams**

#### **Claim 13**

As amended, claim 13 recites a base unit including a circuit that automatically detects a remote electronic apparatus associated with a person and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the electronic apparatus.

For example, referring to FIG. 3 and paragraphs 36-38 of the present application, a base unit 50 automatically detects a profile apparatus 12 whenever the base unit 50 is within a personal area network (PAN) 22 of a person 30 carrying the profile apparatus 12. It should be noted that the profile apparatus 12 specifically identifies a single person 30, and that the base unit 50 automatically establishes communication with the profile apparatus 12 without requiring the person 30 to do anything except cause the base unit 50 to be within the PAN 22. Once communication between the profile apparatus 12 and the base unit 50 is established, the profile apparatus 12, via the base unit 50, causes each of the devices to recall the respective profile of the person 30, thus eliminating the need for the person to manually recall his profiles for each respective device.

Williams, on the other hand, fails to teach a base unit having a circuit that automatically detects a remote electronic apparatus associated with a person and causes a device communicatively coupled to the base unit to recall and operate

according to a user profile. Williams, at, e.g., FIGS. 1 and 3 and col. 10, lines 26-41, teaches a system 100 (base unit) having a system controller 104 (circuit) that prompts a system user to identify himself. For example, the system controller 104 may provide a window on a television/monitor 102 wherein a number of pictures of possible system users are displayed, in order to request that the user affirmatively respond via, e.g., remote control (electronic apparatus) when their picture is displayed. If the match is verified as being accurate, then the system controller 104 configures devices (e.g., television, stereo receiver, etc.) according to preferences of the identified user. That is, only the system controller 104, and none of the devices of which the system 100 is comprised, recalls a user profile. As such, Williams in no manner discloses that a device coupled to the system controller 104 or system 100 recalls a user profile. Furthermore, Williams in no manner discloses that a system 100 automatically detects a remote profile apparatus specifically identifying a single person.

#### **Claims 16-17**

Claims 16-17 are patentable by virtue of their dependency from claim 13.

#### **Rejection of Claims 1-2, 4, and 6 Under 35 U.S.C. 103(a) As Being Unpatentable Over Croy In View of Kemink**

##### **Claim 1**

As amended, claim 1 recites an electronic apparatus including a circuit that causes a device to automatically operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device.

For example, referring to FIG. 1 and paragraphs 21-24 of the present application, a person 10 carries an apparatus/circuit 12 that causes a profile circuit 18 in an automobile 14 to automatically operate according to a predetermined user profile of the person 10 when the person is within a predetermined distance 22 from the profile circuit 18. As discussed above in support of claim 13, the apparatus/circuit 12 specifically

identifies a single person 10, and the profile circuit 18 automatically establishes communication with the apparatus/circuit 12 without requiring the person 10 to do anything except cause the profile circuit 18 to be within the PAN 22. Typically, the profile circuit 18 communicates with the seat, mirror, climate, and other controls in the automobile 14 in order to set these controls according to the preferences included in the person's profile.

Croy, on the other hand, fails to teach a circuit that causes a device to automatically operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device. Croy, at, *e.g.*, FIGS. 1-3C and the abstract, simply teaches a hand-held device and system for monitoring and controlling electronic devices. The device and system comprise a base station 100, including a microcontroller and an interface coupled to the microcontroller for receiving external information, and a hand-held personal navigator (PN) 200 that is coupled to the base unit via a data link.

Nowhere in the Croy reference is it taught that a portable circuit that specifically identifies a single person causes a device to automatically establish communication with the portable circuit simply by being within a predetermined distance from the device. In addition, nowhere in the Croy reference is it taught that the device then automatically operates according to a predetermined user profile unique to the person carrying the portable circuit. Furthermore, the Applicant's attorney reiterates the position that the reader of the Croy reference has no meaningful way of understanding how personal profiles are generated and employed in Croy's system. The Applicant's attorney acknowledges that Croy teaches a hand-held device 200 that can control an electronic device and store "personal profiles." However, it is respectfully submitted that the Examiner has not shown with specificity where in the Croy reference it is taught that a circuit causes a device remote from the circuit to operate according to a predetermined user profile of a person.

Kemink fails to supply the teachings missing from Croy, namely a circuit that causes a device to automatically operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device. Therefore, this combination of references fails to render claim 1 obvious.

**Claims 2, 4 and 6**

Claims 2, 4 and 6 are patentable by virtue of their dependency from claim 1.

**Rejection of Claim 5 Under 35 U.S.C. 103(a) As Being Unpatentable Over Croy In View of Kemink And Further In View of Luff**

Luff fails to supply the teachings missing from Croy and Kemink, namely a circuit that causes a device to automatically operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device. Therefore, this combination of references fails to render claim 1 obvious. As such, claim 5 is patentable by virtue of its dependency from claim 1.

**Rejection of Claims 7, 15, 20 and 27 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink**

**Claims 7 and 20**

As amended, claims 7 and 20 recite a device including a circuit that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus.

For example, referring to FIG. 1 and paragraphs 21-24 of the present application, a circuit 18 in an automobile 14 automatically detects a profile apparatus 12 whenever the circuit 18 is within a personal area network (PAN) 22 of a person 10 carrying the profile apparatus 12. As discussed above in support of claim 1, the profile apparatus 12

uniquely identifies a single person 10, and the profile circuit 18 automatically establishes communication with the profile apparatus 12 without requiring the person 10 to do anything except cause the profile circuit 18 to be within the PAN 22. Typically, the profile circuit 18 communicates with the seat, mirror, climate, and other controls in the automobile 14 in order to set these controls according to the preferences included in the person's profile.

Williams, on the other hand, fails to teach a circuit that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. As discussed above in support of claim 13, the user of the Williams system must, using a remote control, identify himself from among a "number" of potential users before achieving system configuration. As such, because a number of different users may identify themselves to the system using the same remote control, the remote control does not uniquely correspond to a system user. Furthermore, nowhere in the Williams reference is it taught that a profile circuit automatically detects a profile apparatus simply by being within a predetermined distance from the device.

Kemink fails to supply the teachings missing from Williams, namely a device including a circuit that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claims 7 and 20 obvious.

#### **Claim 15**

Kemink fails to supply the teachings missing from Williams, namely a base unit having a circuit that automatically detects a remote electronic apparatus associated with a person, and causes a device communicatively coupled to the base unit to recall and

operate according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 15 is patentable by virtue of its dependency from claim 13.

**Claim 27**

Kemink fails to supply the teachings missing from Williams, namely a device that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 27 is patentable by virtue of its dependency from claim 20.

**Rejection of Claims 8, 14, and 21 Under 35 U.S.C. 103(a) As Being Unpatentable  
Over Williams In View of Kemink And Further In View of Croy**

**Claims 8 and 21**

Croy fails to supply the teachings missing from Williams and Kemink, namely a device including a circuit that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claims 7 and 20 obvious. As such, claims 8 and 21 are patentable by virtue of their respective dependencies from claims 7 and 20.

**Claim 14**

Croy fails to supply the teachings missing from Williams and Kemink, namely a base unit having a circuit that automatically detects a remote electronic apparatus associated with a person, and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the

electronic apparatus. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 14 is patentable by virtue of its dependency from claim 13.

**Rejection of Claims 10 and 16 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Liebenow**

**Claim 10**

Liebenow fails to supply the teachings missing from Williams and Kemink, namely a device including a circuit that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 7 obvious. As such, claim 10 is patentable by virtue of its dependency from claim 7.

**Claim 16**

Liebenow fails to supply the teachings missing from Williams and Kemink, namely a base unit having a circuit that automatically detects a remote electronic apparatus associated with a person, and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 16 is patentable by virtue of its dependency from claim 13.

**Rejection of Claims 11-12 and 18-19 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Luff**

**Claims 11-12**

Luff fails to supply the teachings missing from Williams and Kemink, namely a device including a circuit that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a

predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 7 obvious. As such, claims 11-12 are patentable by virtue of their respective dependencies from claim 7.

#### **Claims 18-19**

Luff fails to supply the teachings missing from Williams and Kemink, namely a base unit having a circuit that automatically detects a remote electronic apparatus associated with a person, and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 13 obvious. As such, claims 18-19 are patentable by virtue of their respective dependencies from claim 13.

#### **Rejection of Claims 23-24 Under 35 U.S.C.103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Orthmann**

Orthmann fails to supply the teachings missing from Williams and Kemink, namely a device that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 20 obvious. As such, claims 23-24 are patentable by virtue of their dependency from claim 20.

#### **Rejection of Claims 25-26 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Doviak**

Doviak fails to supply the teachings missing from Williams and Kemink, namely a device that automatically detects an electronic apparatus that uniquely corresponds to a



person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 20 obvious. As such, claims 25-26 are patentable by virtue of their dependency from claim 20.

**Rejection of Claim 28 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Othmer**

Othmer fails to supply the teachings missing from Williams, namely a device that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 28 is patentable by virtue of its dependency from claim 20.

**Rejection of Claim 29 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Gehrke**

Gehrke fails to supply the teachings missing from Williams, namely a device that automatically detects an electronic apparatus that uniquely corresponds to a person when the electronic apparatus is within a predetermined distance from the device, and that operates according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 29 is patentable by virtue of its dependency from claim 20.

**Rejection of Claims 30 and 32-33 Under 35 U.S.C. 103(a) As Being Unpatentable Over Kemink In View of Croy**

**Claim 30**

As amended, claim 30 recites a base unit operable to automatically detect an electronic apparatus and cause a satellite device to operate according to a user profile in response to detecting the electronic apparatus.

For example, referring to FIG. 3 and paragraphs 36-38 of the present application, a base unit 50 automatically detects a profile apparatus 12 whenever the base unit 50 is within a personal area network (PAN) 22 of a person 30 carrying the profile apparatus 12. As discussed above in support of claim 13, the profile apparatus 12 specifically identifies a single person 30, and the base unit 50 automatically establishes communication with the profile apparatus 12 without requiring the person 30 to do anything except cause the base unit 50 to be within the PAN 22. Once communication between the profile apparatus 12 and the base unit 50 is established, the profile apparatus 12, via the base unit 50, causes each of the devices to recall the respective profile of the person 30, thus eliminating the need for the person to manually recall his profiles for each respective device.

Kemink, on the other hand, fails to teach or suggest a base unit operable to automatically detect an electronic apparatus and cause a satellite device to operate according to a user profile in response to detecting the electronic apparatus. The Applicant's attorney reiterates the position that the information source 240 of Kemink, cited by the Examiner as being a base unit, does not in any manner cause a device, such as the appliance 210b<sup>1</sup>, to operate at all, much less according to a user profile. The Examiner cites col. 4, line 64 – col. 5, line 9 of Kemink as teaching that the base information source 240 causes a device to operate according to a user profile. However, the portion of Kemink cited by the Examiner fails to mention the information source 240, much less teach that the information source causes operation of a device. Furthermore, Kemink in no manner teaches that the information source 240

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<sup>1</sup> The item designated by the reference numeral 124 that the Examiner refers to as a device is actually a control signal (see col. 6, lines 15-22).

automatically detects a remote electronic apparatus identifying a specific person having a predetermined user profile.

Moreover, Croy fails to supply the teachings missing from Kemink, namely a base unit operable to automatically detect an electronic apparatus and cause a satellite device to operate according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 30 obvious.

**Claims 32-33**

Claims 32-33 are patentable by virtue of their dependency from claim 30.

**Rejection of Claim 31 Under 35 U.S.C. 103(a) As Being Unpatentable Over Kemink  
In View of Croy And Further In View of Gehrke**

Gehrke fails to supply the teachings missing from Kemink and Croy, namely a base unit operable to automatically detect an electronic apparatus and cause a satellite device to operate according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 30 obvious. As such, claim 31 is patentable by virtue of its dependency from claim 30.

**Rejection of Claims 34-36 and 38-40 Under 35 U.S.C. 103(a) As Being  
Unpatentable Over Gehrke In View of Waraksa**

**Claim 34**

As amended, claim 34 recites automatically sensing a person associated with a user profile when the person is within a predetermined distance from a device storing the user profile.

For example, referring to FIG. 1 and paragraphs 21-24 of the present application, an automobile 14 includes a profile circuit 18 that automatically senses a person 10

carrying an apparatus 12 with a user profile when the person 10 is within a predetermined distance 22 from the profile circuit 18. As discussed above in support of claim 1, the profile circuit 18 automatically senses the person 10 and establishes communication with the apparatus 12 without requiring the person 10 to do anything except cause the profile circuit 18 to be within the PAN 22.

Gehrke, on the other hand, fails to teach automatically sensing a person associated with a user profile when the person is within a predetermined distance from a device storing the user profile. Gehrke, at, e.g., FIG. 1 and col. 4, lines 3-51, teaches user-specific information (user profile) being stored in a transponder 16. The user, carrying the transponder 16, proceeds to a vehicle (device). Subsequently, the user information stored in the transponder 16 is transmitted to a control unit 20 in the vehicle that customizes the vehicle according to the user information. As such, unlike the claimed method, the control unit 20 of the device (vehicle) of Gehrke does not store a user profile of a person prior to sensing the person. Furthermore, Gehrke teaches nothing about automatically sensing a person when the person is within a predetermined distance from the device storing the user profile.

Waraksa fails to supply the teachings missing from Gehrke, namely automatically sensing a person associated with a user profile when the person is within a predetermined distance from a device storing the user profile. Therefore, this combination of references fails to render claim 34 obvious.

**Claims 35-36 and 38-40**

Claims 35-36 and 38-40 are patentable by virtue of their dependency from claim 34.

**CONCLUSION**

In view of the foregoing, all pending and unallowed claims are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425.455.5575.

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P.G. Scott Born', written over a horizontal line.

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